

7/08/04

1FW

ATTORNEY DOCKET NO. 85689.17
CUSTOMER NO. 24347

INFORMATION DISCLOSURE STATEMENT
1
SERIAL NO. 10/816,777



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. §1.10

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 315026815 US
DATE OF DEPOSIT: July 6, 2004

I, Ryan S. Loveless, hereby certify that this paper (along with any papers and fees referred to as being attached or enclosed or actually enclosed) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above, with sufficient postage, and is addressed as follows:

MAIL STOP AMENDMENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Ryan S. Loveless
Signature of person mailing paper

In re Application of: Paul A. Vaughan
Serial No.: 10/816,777
Filing Date: April 2, 2004
Group Art Unit: Not Assigned
Examiner: Not Assigned
For: **Vertebral Stabilization Assembly and Method**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.97(b)(3), Applicant submits the art listed on the attached Form PTO-1449, along with a copy of the referenced art, and note that no fees are believed to be due in connection with this filing. Applicant submits this

Information Disclosure Statement in compliance with 37 C.F.R.

§1.97(b)(3), as Applicant is filing this Information Disclosure Statement before the mailing of a first Office action on the merits.

Applicant respectfully requests, pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, that the art listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified application. A copy of this art is enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that this art is material to patentability of the present application or that a search has been made.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner, and shall not be construed as a representation that Applicant or Applicant's attorneys have personal knowledge of the contents of the listed art or any events surrounding the listed art.

The Examiner is requested to initial the attached form PTO-1449, as indicated. It is respectfully requested that the Examiner then return to the undersigned a copy of the initialed and completed Form PTO-1449 that indicates the enclosed referenced art has been considered in its entirety.

ATTORNEY DOCKET NO. 85689.17
CUSTOMER NO. 24347

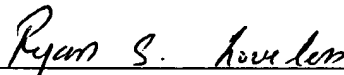
3

INFORMATION DISCLOSURE STATEMENT
SERIAL NO. 10/816,777

To the extent that any further fees, whatsoever, are required at any time during prosecution of this application, including petition and extension fees, the Commissioner is hereby authorized to charge payment of any additional fees, including any under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 23-3189 and reference Attorney Docket No. 85689.17. Please credit any overpayments to this same Deposit Account.

Please direct all correspondence to the practitioner listed below at Customer No. 24347.

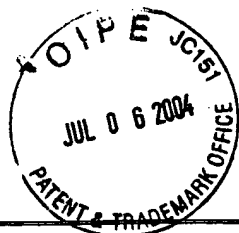
Respectfully submitted,



Ryan S. Loveless
Registration No. 51,970

Hunton & Williams LLP
Energy Plaza, 30th Floor
1601 Bryan Street
Dallas, TX 75201-3402
Telephone: 214.979.3093
Facsimile: 214.880.0011
Email: rloveless@hunton.com

ATTORNEY FOR APPLICANT
July 6, 2004



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
85689.17SERIAL NO.
10/816,777LIST OF ART CITED BY APPLICANT
(Use several sheets if necessary)APPLICANT
Paul A. VaughanFILING DATE
April 2, 2004GROUP
Not AssignedU. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	ISSUE DATE	NAME OF INVENTOR	CLASS	SUBCLASS	FILING DATE (if appropriate)
	Re. 37,005	Dec. 26, 2000	Gary K. Michelson et al.	606	99	Jan. 19, 2000
	Re. 37, 161	May 1, 2001	Gary K. Michelson et al.	606	61	Jan. 20, 2000
	4,696,290	Sep. 29, 1987	Arthur D. Steffee	128	69	Mar. 31, 1986
	4,854,311	Aug. 8, 1989	Arthur D. Steffee	128	92 YM	Jan. 21, 1988
	5,005,562	Apr. 9, 1991	Yves Cotrel	128	69	June 21, 1989
	5,092,866	Mar. 3, 1992	Francis H. Breard et al.	606	61	Feb. 2, 1990
	5,180,381	Jan. 19, 1993	Gilbert M. Aust et al.	606	61	Sep. 24, 1991
	5,486,176	Jan. 23, 1996	Bryan D. Hildebrand et al.	606	71	Feb. 23, 1994
	5,496,322	Mar. 5, 1996	Hallett H. Mathews	606	61	July 22, 1994
	5,569,248	Oct. 29, 1996	Hallett H. Mathews	606	61	May 9, 1995
	5,584,834	Dec. 17, 1996	Joseph P. Errico et al.	606	61	July 14, 1995
	5,603,713	Feb. 18, 1997	Gilbert M. Aust et al.	606	61	Sep. 29, 1994
	5,620,443	Apr. 15, 1997	Stanley Gertzbein et al.	606	61	Jan. 25, 1995
	5,681,311	Oct. 28, 1997	Kevin T. Foley et al.	606	61	Dec. 20, 1995
	5,683,391	Nov. 4, 1997	Lawrence M. Boyd	606	61	June 7, 1995
	5,728,097	Mar. 17, 1998	Hallett H. Mathews	606	61	July 9, 1996
	5,776,135	July 7, 1998	Joseph P. Errico et al.	606	61	Dec. 23, 1996
	5,814,046	Sep. 29, 1998	Christoph Hopf	606	61	
	5,843,082	Dec. 1, 1998	Hansen A. Yuan et al.	606	61	May 31, 1996
	5,876,402	Mar. 2, 1999	Joseph P. Errico et al.	606	61	Mar. 29, 1996
	5,904,683	May 18, 1999	Peter J. Pohndorf et al.	606	61	July 10, 1998
	5,947,967	Sep. 7, 1999	B. Thomas Barker	606	61	Oct. 22, 1997
	5,976,135	Nov. 2, 1999	Michael C. Sherman et al.	606	61	Dec. 18, 1997
	6,030,389	Feb. 29, 2000	Erik J. Wagner et al.	606	71	June 10, 1998
	6,056,749	May 2, 2000	Stephen D. Kuslich	606	61	Mar. 15, 1999
	6,063,089	May 16, 2000	Joseph P. Errico et al.	606	61	Apr. 13, 1998
	6,066,140	May 23, 2000	Stanley Gertzbein et al.	606	61	Sep. 24, 1998
	6,083,224	Jul. 4, 2000	Stanley Gertzbein et al.	606	61	Nov. 6, 1996
	6,106,527	Aug. 22, 2000	Shing-Sheng Wu et al.	606	61	Jan. 19, 1999
	6,120,503	Sep. 19, 2000	Gary Karlin Michelson	606	61	Sep. 5, 1997
	6,132,434	Oct. 17, 2000	Michael C. Sherman et al.	606	78	May 17, 1999
	6,136,001	Oct. 24, 2000	Gary Karlin Michelson	606	61	Jul. 31, 1998
	6,136,002	Oct. 24, 2000	Chi-Ming Shih et al.	606	61	Feb. 5, 1999
	6,136,003	Oct. 24, 2000	James Van Hoeck et al.	606	61	Feb. 2, 2000
	6,139,551	Oct. 31, 2000	Gary K. Michelson et al.	606	79	May 29, 1998
	6,156,037	Dec. 5, 2000	Jean-Charles LeHuec et al.	606	61	Oct. 28, 1998
	6,167,145	Dec. 26, 2000	Kevin T. Foley et al.	382	128	Mar. 29, 1996

EXAMINER INITIAL	DOCUMENT NUMBER	ISSUE DATE	NAME OF INVENTOR	CLASS	SUBCLASS	FILING DATE (if appropriate)
	6,187,005	Feb. 13, 2001	Michael Brace et al.	606	61	Sep. 9, 1999
	6,190,388	Feb. 20, 2001	Gary K. Michelson et al.	606	61	Jan. 19, 2000
	6,193,721	Feb. 27, 2001	Gary K. Michelson	606	70	Feb. 11, 1998
	6,228,085	May 8, 2001	Randall R. Theken et al.	606	61	Jul. 14, 1998
	6,235,034	May 22, 2001	Robert S. Bray	606	71	Oct. 23, 1998

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY FILED IN OR PCT	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER ART

(Include name of author (in CAPITAL LETTERS), title of article, title of item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume issue number(s), publisher, city and/or country where published)

EXAMINER INITIAL						
	<i>Spinal Fusion - Understanding Your Surgery</i> (pamphlet) 1999, 16 pgs., The StayWell Company, 1100 Grundy Ln., San Bruno, CA 94066-3033.					
	<i>The Post-Op Back Book-Taking Charge of Your Recovery from Surgery</i> (pamphlet), 2000, 16 pgs., The StayWell Company, 1100 Grundy Ln., San Bruno, CA 94066-3033.					
	<i>Lumbar Epidural Injections - Diagnosis and Treatment to Help Reduce Pain</i> (pamphlet), 1999, 8 pgs., The StayWell Company, 1100 Grundy Ln., San Bruno, CA 94066-3033.					
	<i>Laminectomy and Laminotomy - Low Back Surgery to Reduce Your Pain</i> (pamphlet), 1997, 16 pgs., Krames Communications, 1100 Grundy Ln., San Bruno, CA 94066-3030.					
	<i>Lumbar Disk Surgery - Treating Low Back Pain and Sciatica</i> (pamphlet), 2000, 8 pgs., The StayWell Company, 1100 Grundy Ln., San Bruno, CA 94066-3033.					
	<i>Lumbar Microsurgery - Low-Back Surgery to Reduce Your Pain</i> (pamphlet), 1998, 16 pgs., The StayWell Company, 1100 Grundy Ln., San Bruno, CA 94066-3033.					
	<i>Structure of the Spine</i> , (article), undated, 2 pgs.					
	GERALD E. RODTS, JR., M.D., <i>What Should I Know About Lumbar Fusion?</i> (article found at the Internet Website: www.spineuniverse.com/surgery/specialist/feature0130.html), dated 03/28/2001, 3 pgs.					
	CHARLES V. BURTON, M.D., <i>The Present Role of Titanium Cage Fusions In Spine Care</i> , (article found at the Internet website: www.spineuniverse.com/surgery/procedures/cage2fusion.html), dated 03/28/2001, 3 pgs.					
	MARK R. MCLAUGHLIN, M.D., <i>Image-Guided Spinal Surgery</i> , (article found at the Internet website: www.spineuniverse.com/technology/ak_mclaughlin_image-guided.html), dated 03/28/2001, 2 pgs.					
	<i>Spine Fusion Surgery - Bone Growth Stimulators</i> (article found at the Internet website: www.orthofix.com/OFPProd/ofsite/T112100c.htm), dated 03/28/2001, 4 pgs.					

EXAMINER INITIAL	DOCUMENT NUMBER	ISSUE DATE	NAME OF INVENTOR	CLASS	SUBCLASS	FILING DATE (if appropriate)
	DR. GLENN M. AMUNDSON, <i>Low Back Pain</i> (article found at the Internet website: www.spineuniverse.com/conditions/detail/lowback_amundson.html), dated 03/28/2001, 4 pgs.					
	JOHN W. BRANTIGAN, M.D., <i>Lumbar I/F Cage® With VSP® Spinal System for PLIF</i> , (pamphlet), 1999, 16 pgs., DePuy/AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	<i>AcroMed Spinal Solutions for Thoracolumbar Trauma & Tumor</i> (pamphlet), 1996, 10 pgs., AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	<i>Akbarnia PDR™ Instruments - Posterolateral Decompression & Reconstruction - Ordering Information</i> (pamphlet), 1996, 2 pgs., AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	<i>Kaneda SR (Smooth Rod) - Anterior Spinal System, Titanium - Ordering Information for implants and instruments</i> (pamphlet), 1996, 6 pgs., AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	<i>University^{AM} Plate – Titanium Anterior System – Ordering Information for implants and instruments</i> , (pamphlet), 1996, 6 pgs., AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	<i>Surgical technique for anterior thoracolumbar corpectomy, graft placement and stabilization using the University^{AM} Plate – Titanium Anterior System™</i> , (pamphlet), 1996, 8 pgs., AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	<i>Surgical technique for anterior thoracolumbar corpectomy, graft placement and stabilization using the Kaneda SR™ Anterior Spinal System</i> , (pamphlet), 1996, 12 pgs., AcroMed, Inc., 3303 Carnegie Ave., Cleveland, OH 44115.					
	U.S. copending Patent Application Publication No. US 2003/0065329, Published 4/3/03 entitled <i>Vertebral Stabilization Assembly and Method</i> ; inventor: Paul A. Vaughan; Attorney Docket No. 85689.3.					
	U.S. provisional patent application filed October 3, 2001; (Ser. No. 60/327,118) entitled <i>Vertebral Stabilization Assembly and Method</i> , Attorney Docket No. 85689.4.					
	U.S. provisional patent application filed November 2, 2001 (Ser. No. 60/350,259) entitled <i>Vertebral Stabilization Assembly and Method Having a Modified Pedicle Screw</i> ; Attorney Docket No. 85689.6.					
	U.S. provisional patent application filed November 20, 2001 (Ser. No. 60/331,857) entitled <i>Vertebral Stabilization Assembly and Method for Anterior Placement</i> ; Attorney Docket No. 85689.7.					
	U.S. provisional patent application filed January 31, 2002 (Ser. No. 60/353,691) entitled <i>Vertebral Stabilization Assembly and Method Having Dual Pedicle Screws</i> ; Attorney Docket No. 85689.8.					
EXAMINER SIGNATURE				DATE CONSIDERED		
<p>*EXAMINER: Please initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Please include copy of this form with next communication to applicant.</p>						